

SEVENTH CONFERENCE OF THE PARTIES TO THE VIENNA CONVENTION AND SEVENTEENTH MEETING OF THE PARTIES TO THE MONTREAL PROTOCOL: 12-16 DECEMBER 2005

The seventh Conference of the Parties to the Vienna Convention for the Protection of the Ozone Layer and the seventeenth Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer (COP-7/MOP-17) begin today in Dakar, Senegal. The meeting will open with a preparatory segment from 12-14 December, followed by a high-level segment for ministers and other heads of delegation from 15-16 December. Delegates to COP-7/MOP-17 will consider decisions on, *inter alia*: exemptions allowing the use of methyl bromide, and the use of chlorofluorocarbons in metered-dose inhalers; the use of process agents; illegal trade in ozone-depleting substances (ODS); and the destruction of ODS. Other topics to be addressed at the meeting include the trust fund for the Vienna Convention, the replenishment of the Multilateral Fund for the Implementation of the Montreal Protocol, membership of Protocol bodies for 2006, and proposed adjustments and amendments to the Protocol.

A BRIEF HISTORY OF THE OZONE REGIME

Concerns that the Earth's stratospheric ozone layer could be at risk from CFCs and other anthropogenic substances were first raised in the early 1970s. At that time, scientists warned that the release of these substances into the atmosphere could deplete the ozone layer, hindering its ability to prevent harmful ultraviolet rays from reaching the Earth. This would adversely affect ocean ecosystems, agricultural productivity and animal populations, and harm humans through higher rates of skin cancers, cataracts and weakened immune systems. In response to this growing concern, the United Nations Environment Programme (UNEP) convened a conference in March 1977 that adopted a World Plan of Action on the Ozone Layer and established a Coordinating Committee to guide future international action on ozone.

VIENNA CONVENTION: In May 1981, the UNEP Governing Council launched negotiations on an international agreement to protect the ozone layer and, in March 1985, the Vienna Convention for the Protection of the Ozone Layer was adopted. The Convention called for cooperation on monitoring, research and data exchange, but did not impose obligations to reduce the use of ODS. The Convention now has 190 parties.

MONTREAL PROTOCOL: In September 1987, efforts to negotiate binding obligations on ODS led to the adoption of the Montreal Protocol on Substances that Deplete the Ozone Layer. The Montreal Protocol introduced control measures for some CFCs and halons for developed countries (non-Article 5 parties). Developing countries (Article 5 parties) were granted a grace period allowing them to increase their use of these ODS before taking on commitments. To date, the Protocol has 189 parties.

Since 1987, several amendments and adjustments to the Protocol have been adopted, adding new obligations and additional ODS, and adjusting existing control schedules. Amendments require ratification by a defined number of parties before their entry into force, while adjustments enter into force automatically.

LONDON AMENDMENT AND ADJUSTMENTS: Delegates to MOP-2, which took place in London, UK, in 1990, tightened control schedules and agreed to add ten more CFCs to the list of ODS, as well as carbon tetrachloride (CTC) and methyl chloroform. To date, 179 parties have ratified the London Amendment. In addition, MOP-2 established the Multilateral Fund for the Implementation of the Montreal Protocol (Multilateral Fund). The Multilateral Fund meets the incremental costs incurred by Article 5 parties in implementing the Protocol's control measures and finances clearinghouse functions, including technical assistance, information, training, and the costs of the Fund Secretariat. The Fund is replenished every three years, and has disbursed over US\$1.4 billion since its establishment.

COPENHAGEN AMENDMENT AND ADJUSTMENTS: At MOP-4, held in Copenhagen, Denmark, in 1992, delegates tightened existing control schedules and added controls on methyl bromide, hydrobromofluorocarbons and hydrochlorofluorocarbons (HCFCs). MOP-4 also agreed to enact non-compliance procedures and to establish an Implementation Committee. The Implementation Committee examines cases of possible non-compliance by parties, and makes recommendations to the MOP aimed at securing full compliance. To date, 168 parties have ratified the Copenhagen Amendment.

MONTREAL AMENDMENT AND ADJUSTMENTS: At MOP-9, held in Montreal, Canada, in 1997, delegates agreed to a new licensing system for the import and export of ODS, in addition to tightening existing control schedules. They also agreed to a ban on trade in methyl bromide with non-parties to the Copenhagen Amendment. To date, 136 parties have ratified the Montreal Amendment.

BEIJING AMENDMENT AND ADJUSTMENTS: At MOP-11, held in Beijing, China, in 1999, delegates agreed to controls on bromochloromethane and additional controls on HCFCs, and to reporting on methyl bromide for quarantine and pre-shipment applications. MOP-11 also agreed to replenish the Multilateral Fund with US\$477.7 million for the triennium 2000-2002. To date, 101 parties have ratified the Beijing Amendment.

MOPs 12-14: MOP-12, held in Ouagadougou, Burkina Faso, in 2000, adopted the Ouagadougou Declaration, which encouraged parties to take steps to prevent illegal production, consumption and trade in ODS, and harmonize customs codes. The following year in Colombo, Sri Lanka, delegates to MOP-13 adopted the Colombo Declaration, which encouraged parties to apply due care in using substances that may have ozone depletion potential (ODP), and to determine and use available, accessible and affordable alternatives and technologies that minimize environmental harm while protecting the ozone layer. At MOP-14, held in Rome, Italy, in 2002, delegates adopted 46 decisions, covering such matters as the Multilateral Fund's fixed-exchange-rate mechanism, compliance issues, and interaction with the World Trade Organization. MOP-14 also agreed to replenish the Multilateral Fund with US\$573 million for 2003-2005.

MOP-15: Like its predecessors, MOP-15, in Nairobi, Kenya, in November 2003, resulted in decisions on a range of issues, including the implications of the entry into force of the Beijing Amendment. However, parties could not reach agreement on four items relating to methyl bromide, an ozone-depleting pesticide scheduled for a 2005 phase-out by non-Article 5 parties. Disagreements surfaced over exemptions allowing the use of methyl bromide beyond 2004 for "critical" uses where no technically or economically feasible alternatives are available. As a result of these disagreements, delegates took the unprecedented step of calling for an "extraordinary" MOP.

FIRST EXTRAORDINARY MOP: The first Extraordinary Meeting of the Parties to the Montreal Protocol (ExMOP-1) took place from 24-26 March 2004, in Montreal, Canada. Parties agreed to critical-use exemptions (CUEs) for methyl bromide for 2005 only. The introduction of a "double-cap" concept distinguishing between old and new production of methyl bromide was central to this compromise. Parties agreed to a cap for new production of 30% of parties' 1991 baseline levels, meaning that where the capped amount was insufficient for approved critical uses in 2005, parties were required to use existing stockpiles. Parties also achieved compromises on conditions for approving and reporting on CUEs, and the working procedures of the Methyl Bromide Technical Options Committee (MBTOC).

MOP-16: MOP-16 took place in Prague, Czech Republic, from 22-26 November 2004. The parties adopted decisions on the Multilateral Fund, and on issues relating to ratification, data reporting, compliance, international and illegal trade in ODS, and financial and administrative matters. Despite lengthy discussions in the plenary, contact groups and informal gatherings, work on methyl bromide exemptions for 2006 was not completed. For the second time in the Protocol's history, parties decided to hold an extraordinary MOP.

CURRENT ODS CONTROL SCHEDULES: Under the amendments and adjustments to the Montreal Protocol, non-Article 5 parties were required to phase out production and consumption of: halons by 1994; CFCs, CTC, methyl chloroform and HBFCs by 1996; bromochloromethane by 2002; methyl bromide by 2005; and consumption of HCFCs by 2030 (with interim targets prior to those dates). However, there are

exemptions to these phase-outs to allow for certain uses lacking feasible alternatives or in particular circumstances. Production of HCFCs was to be stabilized by 2004. Article 5 parties were required to phase out hydrobromofluorocarbons by 1996 and bromochloromethane by 2002. These parties must still phase out: CFCs, halons and CTC by 2010; methyl chloroform and methyl bromide by 2015; and consumption of HCFCs by 2040 (with interim reduction targets prior to a full phase-out). Production of HCFCs in Article 5 countries must be stabilized by 2016.

INTERSESSIONAL HIGHLIGHTS

OPEN-ENDED WORKING GROUP: The twenty-fifth meeting of the Montreal Protocol's Open-ended Working Group (OEWG) took place in Montreal, Canada, from 27-30 June 2005. Delegates agreed on 11 draft decisions to be forwarded to MOP-17. The draft decisions address: monitoring and prevention of illegal trade in ODS; proposed adjustments and amendments to the Montreal Protocol; obligations of parties to the Beijing Amendment under Article 4 of the Montreal Protocol with respect to HCFCs; certainty and notification of dates for OEWG and MOP meetings; and disclosure of interest guidelines for members of the Technology and Economic Assessment Panel (TEAP) and its technical options committees (TOCs). Delegates also considered reports on the work of the TEAP and the TOCs, including on halons, foams, refrigeration, methyl bromide, process agents, aerosols, CTC, and the IPCC/TEAP Special Report on Safeguarding the Ozone Layer and the Global Climate System.

SECOND EXTRAORDINARY MOP: The second Extraordinary Meeting of the Parties to the Montreal Protocol (ExMOP-2) was held on 1 July 2005, in Montreal, Canada. Parties agreed to supplementary levels of CUEs for 2006 that had been left unresolved at MOP-16. Under the decision, parties also agreed that: CUEs allocated domestically that exceed levels permitted by the MOP must be drawn from existing stocks; methyl bromide stocks must be reported; and parties must "endeavor" to allocate CUEs to the particular categories specified in the decision.

METHYL BROMIDE TECHNICAL OPTIONS

COMMITTEE: The MBTOC met in Melbourne, Australia, from 29 August to 2 September 2005, to finalize its evaluation of the latest round of CUNs for methyl bromide. The MBTOC's final recommendations on 2006 and 2007 CUNs are included in the TEAP/MBTOC Final Report on CUNs released in October 2005 for consideration at MOP-17. This report also includes the details of MBTOC's work plan for 2006 and proposed changes to its standard presumptions for consideration of future CUNs.

EXECUTIVE COMMITTEE OF THE MULTILATERAL FUND: The Executive Committee of the Multilateral Fund met in Montreal, Canada, from 4-8 July 2005, and again from 21-25 November 2005, to consider issues associated with the Multilateral Fund, including its replenishment. A report of the activities of the Executive Committee will be considered at MOP-17.

IMPLEMENTATION COMMITTEE: The thirty-fourth meeting of the Implementation Committee was held on 2 July 2005, in Montreal, Canada. The Implementation Committee discussed most of the outstanding cases of non-compliance, making 47 recommendations both on general issues of non-compliance and with regard to specific cases. The Committee then convened for its thirty-fifth meeting from 7-9 December 2005, in Dakar, Senegal, to consider, among other matters, whether instances of ODS stockpiles resulting in deviations from the Protocol's control measures should be treated as cases of potential non-compliance.